

SPECIFIC COMMODITY REQUIREMENTS

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ANIMAL BEDDING, SHAVINGS

Consumer packages of animal bedding, except for bales of straw, must be labeled with all information required by the Fair Packaging and Labeling Act.

The quantity is to be stated in terms of the largest whole unit of dry volume in both inch-pound and SI (metric) units.

Inch-pound units to be used are the cubic inch, cubic foot, or cubic yard
SI units are the cubic meter, liter, or milliliter

If the package contains compressed material, the label must include the quantity in the compressed state and **the usable quantity that can be recovered.**

TEST PROCEDURE: Animal Bedding, page 16-9

AUTOMOBILE AND APPLIANCE PARTS

When sold over the counter, parts are not subject to packaging and labeling requirements.

The basic requirement for packaged items is count. If count alone is not fully informative, it must be combined with the weight, measure, or size of the item.

TEST PROCEDURES: Packages Labeled by Count of 51 or more, Handbook 133, page 54, 4.4
Packages Labeled by Count of 50 or less, and Handbook 133, page 54, 4.3

BANDAGES, ELASTIC OR GAUZE

Roll type elastic or gauze bandages are bi-dimensional commodities. The content declaration shall include width and length, and in some cases, the area (CCR 4510 § 6.9).

Both width and length are measured without tension or stretching, and to be correct each dimension must meet the content statement independently of the other. Qualified statements such as “stretched” are not acceptable (CCR 4510 § 6.14).

A supplemental quantity statement is allowed, but it may not appear on the principal display panel (CCR 4510 § 6.12).

TEST PROCEDURE: Bidimensional Flat or Roll Commodities, page 16-15

BERRIES, FRESH

California regulations permit the following methods of sale for fresh berries:

1. By the basket in prescribed standard sizes, with equivalent weights.
2. By net weight in containers, with the net weight determined at the time of sale.
3. By net weight from bulk, no basket or container, with the net weight determined at the time of sale.
4. By standard or random pack containers, fully labeled including net weight.

METHOD OF SALE EXAMPLES:

<u>Retail Method Sale</u>	<u>Consumer Labeling Required</u>	<u>Flat Quantity Labeling Required</u>
Baskets in Standard Volume Sizes (must also meet weight equivalency)	None, CCR 4500 specifically exempts Berries in Standard Volume Sizes from labeling	12 dry pint baskets (weight statement would be permitted in addition)
Baskets, to be weighed at time of sale	None	12 baskets, or 12 random weight baskets, net wt x lbs x oz
Bulk sales, no containers	None, not a package	Net weight x lbs x oz
Standard or random pack containers	All labeling requirements (CCR 4510 § 3, §5, and § 6)	12 - x oz baskets, net weight x lbs x oz.

NOTE: All nonconsumer flats must meet the requirements of CCR 4, 5, and 6 or 7. Flats for retail sale must meet all consumer package labeling requirements.

TEST PROCEDURE: Net Weight, Handbook 133, page 10.

BUILDING BLOCKS, CONCRETE MASONRY

BUILDING BLOCKS:

The size designation used for the width, height, and length of structural concrete masonry is a nominal dimension, which is 3/8 inch less than the actual dimension.

This is in accord with the established product standard and trade custom that concrete masonry is sold according to the "Modular Masonry Unit;" that is a masonry unit whose actual dimensions are one mortar joint less than the modular dimension; e.g., the building block commonly referred to as 8 x 8 x 16 is according to standard actually, 7-5/8" x 7-5/8" x 15-5/8". The modular dimension is based on a given module, usually 8' in the case of concrete block masonry.

For inspection, the error should be determined from the minimum size for the particular standard dimension (nominal dimension) in question. This will be the nominal size minus 3/8 inch.

The industry tolerance of $\pm 1/8$ inch from the actual size (minimum size) could be considered the industry MAV. It has no legal status in determining compliance. To be acceptable, a lot must meet the requirements of the current sampling and testing regulations.

TEST PROCEDURE: Direct Measure

BULK SALES

CANDY, HEALTH FOODS, ETC.

When individually packaged or wrapped items are sold by weight from bulk displays, they must be sold by net weight **not** including the packages or wrapping, and the sales price must be a true extension of the advertised or posted price per pound. (B&P Code §§ 12023 and 12024.2)

TEST PROCEDURE: Net Weight, Handbook 133, page 10

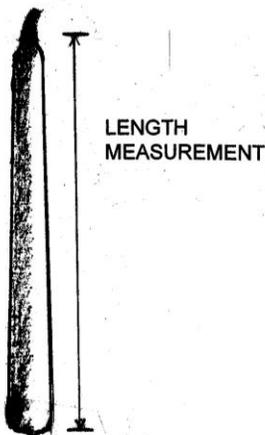
CANDLES

Tapered candles, either hand dipped or molded, and irregularly shaped candles are not required to be labeled with a diameter measurement. Requirements for content labeling are count and length, or count and height.

Decorative candles and uniformly shaped candles (e.g., plumbers, utility, emergency, and similar) are labeled with the length, diameter, and count.

The length of a candle is determined by measuring from the bottom of the wax to the top or shoulder of the wax exclusive of the wick. The small protrusion surrounding the wick at either end is not to be included unless it is determined to be a configuration of the candle.

TEST PROCEDURES: Direct Measure
Packages Labeled by Count of 51 or more, Handbook 133, page 54, 4.4
Packages Labeled by Count of 50 or less, Handbook 133, page 54, 4.3



CHEESE, WAX COATING

FOOD AND DRUG ADMINISTRATION (FDA) RESPONSE

Wax coating on cheese (wholesale or retail) is tare - not to be included in net weight.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Washington DC 20204

MAR 29 1984

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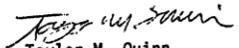
Dear Dr. Brickenkamp:

This is in response to your February 28 letter that requested our opinion on whether the wax coating on certain kinds of cheese should be considered part of the tare or part of the net weight. You pointed out that although the wax is not consumed, it may be an integral part of the manufacture of the cheese. Also, you stated that cheese is sold wholesale by a weight that includes the wax.

We are of the opinion that 21 CFR 101.105(g) requires that wax coatings on cheese always be considered part of the tare. This section states that the declaration of quantity of contents shall accurately reveal the quantity of food in the package exclusive of wrappers and other material packed therewith. Even when the wax is an integral part of the manufacture of the cheese, the wax itself is not derived from the curd of any type of milk. As a result, it would be inappropriate to consider the wax to be part of the food known as cheese. Also, most consumers would consider such wax inedible and would discard it. Under these circumstances, we believe that consumers would be misled by declarations of net weight including the wax coating. Further, you should be aware that our position on these wax coatings applies to wholesale as well as retail cheese packages. Both types of packages could be considered misbranded if the net weight declaration included the wax coating.

If we can be of further assistance, please let us know.

Sincerely yours,


Taylor M. Quinn
Associate Director for
Compliance
Bureau of Foods

FIRE STARTERS/FIRE STICKS

Only count is required as a quantity statement for **uniformly shaped fire starters and fire sticks** (CCR4510 § 6.4). If more than one unit is to be used, the label should also state the number to be used, or indicate the number of starts. For example:

10 pieces, use 2 to light a fire

16 starters, lights 8 fires

TEST PROCEDURES: Packages Labeled by Count of 51 or more, Handbook 133, page 54, 4.4
Packages Labeled by Count of 50 or less, Handbook 133, page 54, 4.3

Fire sticks, fat wood, pitch pine, or other small pieces of wood of varying thickness or sizes are to be labeled by cubic measure (CCR 4531).

TEST PROCEDURE: Direct Measure

FIREWOOD/WOOD FOR FUEL PURPOSES

Firewood/wood for fuel purposes, includes kindling, logs, boards, timbers, mill wood, pellets, pressed logs, chips, chunks, and any other type of wood or wood product used or intended to be used for campfires, or for heating in fireplaces or stoves, or for cooking.

A. Method of Sale

1. Wood, except for manufactured wood products:
 - a. When in quantities of 1/8 cord (16 cubic feet) or more, must be sold by the cord, fraction of the cord, or percentage of the cord.
 - b. When there is less than 1/8 cord, must be sold by the cubic foot or fraction of the cubic foot. Fraction of the ft³ includes cubic inches, in³.
2. Manufactured wood products: Wood for fuel purposes which has been processed and is no longer in the form of logs, boards, timbers, rounds, or split wood pieces.
 - a. Compressed products with any dimension greater than 6 inches are sold by net weight and count (e.g., pressed logs, etc.).
 - b. Compressed products with no dimension greater than 6 inches are sold by net weight (e.g., pellets, etc.).
 - c. Non-compressed products having no dimension greater than 6 inches are sold by the cubic foot or fraction of the cubic foot (including in³) (e.g., smoking chips, chunks and chips of wood used for flavoring).
3. Firewood **cannot** be sold or advertised using the terms face cord, truck load, rick, rack, unit, tier, bundle, or any other term not specified in CCR § 4531, Method of Sale. [CCR 4530(f)]

B. Packaged

If the firewood is packaged prior to sale, each package must be labeled in full accord with the Fair Packaging and Labeling Act (B&P Code Chapter 6) and regulations including the statements of quantity, responsibility, and identity. Packaged includes boxes and containers, shrink-wrapped pallets, bags, bundles, shrink-wrapped pieces, tied pieces, racks, bins, or any other type of container holding a pre-measured amount. (CCR 4510 § 2.1)

C. Unpackaged

A sales invoice or delivery ticket must be given to the buyer whenever non-packaged wood is sold. The invoice or ticket must state the name and address of the seller, the date purchased, the quantity, and price of the quantity purchased. (CCR 4532)

D. Identity

The required statement of identity may be simply firewood or split wood. The name of the species, group of origin (oak, pine, etc.), or type (hardwood or softwood) does not have to be stated. However, if there is a representation of the species, group or type, either written or oral, it must be in accord with CCR § 4534.

1. If a common name is stated, all of the wood must be of that species (e.g., White Oak, Jeffery Pine, Grand Fir, etc.).
2. If a group is stated, all of the wood must be of that group of origin (e.g., oak, pine, fir, etc.).
3. If hardwood or soft wood is stated, all wood must be the stated type **and** the common name (species) or group(s) of origin for any wood present must be stated.

If the identity is represented as both “hardwood” and “softwood” (or if the represented species and/or groups of origin include both hardwoods and softwoods), the percentage of hardwood and the percentage of softwood must be stated as well as the common name(s), or groups of origin.

E. Kindling

If kindling is included in the represented quantity and constitutes 10 percent or more of the quantity, the percentage must be stated. (CCR § 4533)

TEST PROCEDURE: Volumetric Test Procedure for Firewood:

Boxed Firewood	HB 133, 3.16, page 50
Crosshatched Firewood	HB 133, 3.17, page 51
Bundles and Bags of Firewood	HB 133, 3.18, page 51

HARDWOOD/SOFTWOOD IDENTITY

California regulations differentiate between hardwoods and softwoods. The classification of common species is made by using a combination of trade custom, BTU heating values, and opinions from the California State Department of Forestry, California Energy Commission, US Forest Service, and University of California Agricultural Engineering Department. A good reference is the California Woodheat Handbook, 1982, publication number p500-82-047, by the California Energy Commission and the California Department of Forestry.

The table on the following page is only a guideline. In the event a legal determination is needed, as in a prosecution involving a misrepresentation of a softwood as a hardwood, an expert identification can be obtained from the US Department of Forestry, the California Department of Forestry, an industry forester, a college or university instructor, or other forest products expert.

**FOR USE AS A GUIDELINE ONLY - IN CASE OF VIOLATION, EXPERT
OPINION NEEDED FOR IDENTITY AND CLASSIFICATION**

COMMON WOODS RANKED ACCORDING TO BTU VALUE PER CORD

	(BTU millions)	(avg. rounded)
SOFTWOODS		
Cottonwood	15.8 - 16.8	16
Western Red Cedar	15.4 - 17.4	16
Aspen	17.0 - 18.0	18
Black Willow	17.5 - 18.6	18
Red Alder	18.4 - 19.5	19
Sugar Pine	17.3 - 19.6	18
Incense Cedar	17.8 - 20.1	19
Grand Fir	17.8 - 20.1	19
Coast Redwood	17.8 - 20.1	19
Red Fir	18.3 - 20.6	19
White Fir	18.8 - 21.1	20
Jeffery Pine	19.3 - 21.7	20
Ponderosa Pine	19.3 - 21.7	20
Sitka Spruce	19.3 - 21.7	20
Lodgepole Pine	19.7 - 22.3	21

COULD BE CONSIDERED SOFT OR HARDWOOD, USUALLY SOFTWOOD		
Big Leaf Maple	21.4 - 22.7	22
Sycamore	21.9 - 23.3	23
Port Orford Cedar	20.7 - 23.4	22

HARDWOODS		
Almond	22.3 - 23.7	23
Cherry	22.3 - 23.7	23
Elm	22.3 - 23.7	23
Magnolia	22.3 - 23.7	23
Western Hemlock	21.6 - 24.4	23
Chinquapin	23.2 - 24.7	24
Ash	24.5 - 26.0	25
Black Walnut	24.5 - 26.0	25
California Laurel	24.6 - 26.1	25
Western Juniper	23.4 - 26.4	25
Douglas Fir	23.5 - 26.5	25
Black Oak	25.8 - 27.4	27
Birch	25.9 - 27.5	27
Tan Oak	25.9 - 27.5	27
White Oak	26.4 - 28.0	27
Beech	28.6 - 30.4	30
Dogwood	28.6 - 30.4	30
Madrone	29.1 - 30.9	30
Black Locust	29.5 - 31.4	30
Eucalyptus	32.5 - 34.5	34
Live Oak	34.4 - 36.6	36

FLOWERS, DECORATIVE AND EDIBLE

DECORATIVE FLOWERS - either natural or artificial are sold individually by count, in bunches with the count stated or by the bunch without a count.

EDIBLE FLOWERS - packaged or un-packaged, are sold by count. Net weight is not required but may be included in the quantity statement.

TEST PROCEDURES: Packages Labeled by Count of 51 or more, Handbook 133, page 54, 4.4
Packages Labeled by Count of 50 or less, Handbook 133, page 54, 4.3

GLUE STICKS

Packaged hot-melt glue sticks must be labeled with:

1. Count.
2. Actual diameter (not the gun size the stick fits).
3. Length.

TEST PROCEDURES: Direct Measure
Packages Labeled by Count of 51 or more, Handbook 133, page 54, 4.4
Packages Labeled by Count of 50 or less, Handbook 133, page 54, 4.3

ICE CREAM, FROZEN YOGURT AND SIMILAR PRODUCTS

Ice cream and frozen yogurt may be sold by weight or measure.

1. When sold by weight, it must be net weight, excluding the carton or any packaging. There is no specific weight relationship to volume due to variations in the specific gravity of differing types and flavors.
2. When sold by volume, i.e. Factory Packaged Ice Cream and similar frozen products, the product must meet or exceed the stated volume regardless of any check weights.
3. When **not** packaged in advance of sale, it may be sold by a size designation such as “small,” “medium,” or “large.” However, If the size refers to a weight or measure (e.g., small = 8 oz or small - 1/2 pint), then the weight or measure must be correct and accurate.

TEST PROCEDURES: Net Weight, Handbook 133, page 10
Displacement, Handbook 133, page 41, 3.12

INSULATION

1. Loose-fill insulation is labeled and sold on the basis of coverage in square feet, the recommended thickness, the R value (insulation resistance), and net weight.
2. Batt and blanket insulation is labeled with the total square feet in the package, length, width, R value, and thickness. (NIST Handbook 130)

TEST PROCEDURES: Net Weight, Handbook 133, page 10
Direct Measure

LAVA ROCKS, BRIQUETTES

1. Natural, irregularly shaped lava rocks for the barbecue are required to state the coverage and the net weight. Any spacing instructions may appear on other than the principal display panel.
2. Manufactured briquettes shall be labeled with the count and coverage. Spacing instructions may appear on other than the principal display panel.
3. Coverage is checked by placing the product end-to-end.

TEST PROCEDURES: Net Weight, Handbook 133, page 10
Direct Measure
Packages Labeled by Count of 51 or more, Handbook 133, page 54, 4.4
Packages Labeled by Count of 50 or less, Handbook 133, page 54, 4.3

MEAT, POULTRY, FISH, SEAFOOD

1. Sale by Net Weight

With only the exceptions stated below (4), all meat, poultry, and fish must be advertised and sold by net weight. (B&P Code §12024.5)

- A. The net weight must be determined at the time of sale or the package must be marked with the net weight.
- B. It is illegal to sell or advertise by the serving, piece, box, or case without stating the net weight.

2. Door-to-Door Sales

The box or package must be marked with the actual selling price per pound as well as having all other required labeling. It is a violation to mark the box with a high price per pound then reduce the price without remarking the box with the true sales price. (B&P Code § 12024.55)

3. In Combination With Other Foods

Under federal policy, packages of meat and poultry may be sold in combination with other items (e.g., packages of gravy, sauce, or seasoning) providing the labeling clearly indicates that the purchaser is paying for both the meat or poultry and the other item. The net weight statement must show the total net weight of all the edible components and **may** state the individual net weights. Individual net weights are not required,

For consistency, similar packages put up by local markets should be accepted. (USDA, FSIS, Policy Memo 099, B&P Code §12613)

A nominal amount of garnish (parsley, etc.) may be negligible in weight. If the amount of garnish is large enough to increase the net weight, it should be treated as tare unless it is specifically stated in the identity.

4. Exceptions and Exemptions

A. Ready-to-Eat Foods (B&P Code § 12024.5)

The requirement that meat, poultry, or fish must be sold by weight does **not** apply to ready-to-eat foods that are:

- (1) sold for consumption on premises or
- (2) one of three or more different items (excluding condiments) comprising a ready-to-eat take out meal or
- (3) un-packaged ready-to-eat meat, poultry, or seafood which has been cooked or heated on the same premises as sold or
- (4) sandwiches made and sold on the same premises.

B. Small Packages

Packages of meat and meat products weighing less than one-half ounce do not require a quantity statement. (USDA/FSIS)

C. Fish, Seafood

The requirement that fish must be sold by net weight applies only to “fin fish and crustaceans, when sold for human consumption, and when not alive.”
(B&P Code § 12024.5 and CCR § 4501)

- (1) **Live crustaceans:** lobster, crab, crayfish, etc., **and live fish having fins** may be sold by count, weight, or measure. Sale by weight is not required.
- (2) **Mollusks with shells**, abalone, oysters, clams, mussels, etc., and **other mollusks such as octopus, cuttlefish, and squid** are not covered by the sections requiring “sale by weight” for “fin fish and crustaceans.”

The following methods of sale for mollusks is recognized and recommended by the Food and Drug Administration and the National Conference on Weights and Measures:

Whole Clams, Oysters, Mussels, or Other Mollusks in the Shell - (fresh or frozen) shall be sold by weight (including the weight of the shell, but not including the liquid or ice packed with them), dry measure (e.g., bushel), and/or count. In addition, size designations may be provided.

Whole Clams, Oysters, Mussels, or Other Mollusks on the Half Shell - (fresh, cooked, smoked, or frozen, with or without sauces or spices added) shall be sold by weight (excluding the weight of the shell) or by count. Size designations may also be provided.

Fresh Oysters Removed From the Shell – Shall be sold by weight, drained weight, or by fluid volume. For oysters sold by weight or by volume, a maximum of 15 percent free liquid by weight is permitted.

Processed Clams, Mussels, Oysters, or Other Mollusks, on the Half Shell - (fresh or frozen) shall be sold by net weight excluding the net weight of the shell. The term “processed” means removing the meat from the shell and chopping it or cutting it or commingling it with other solid foods.

Canned (Heat-Processed) Mussels, Clams, Oysters, or Other Mollusks - shall be sold by net weight. A maximum of 41 percent free liquid by weight is permitted for canned oysters. (NIST Handbook 130)

There is no recommended method of sale for raw mollusks without shells: i.e., squid octopus, cuttlefish, sea cucumber, etc.

PADDED MAILING ENVELOPES

Padded mailing envelopes are required to be labeled with the usable dimensions of the envelope, which is the inside width and length when closed according to instructions.

So called "Nominal Dimensions" that are larger than the usable dimensions are not allowed.

TEST PROCEDURE: Direct Measure

PICKLES

Whole pickles from bulk or transparent packages of one or two pickles may be sold by count.

All other pickles (whole, sliced, diced, relish, etc.) are sold according to liquid measure. (NIST Handbook 130)

TEST PROCEDURES: Headspace (Titled "Mayonnaise"), Handbook 133, page 29, 3.5
Depth Gauge (Titled "Other"), Handbook 133, page 28, 3.4

POPSICLES, FROZEN NOVELTIES

Packages of popsicles and other frozen novelties such as ice cream sandwiches, juice bars, ice cream bars, ice cream cones, and frozen yogurt, are labeled by fluid measure. The fluid measure includes edible coatings, cookies, crackers, etc., but does not include sticks or other inedible parts. Pelletized Ice Cream is labeled by net weight.

When sold individually, a package containing one popsicle or other frozen novelty must have all labeling as required by the Fair Packaging and Labeling Act.

The required labeling for a multiunit package containing individual packages of individual popsicles or other frozen novelties varies according to the intended method of sale and the labeling of the individual packages.

1. Except as noted below*, when the individual packages are fully labeled for sale as individual packages, but are intended to be sold as part of the multiunit package, the outside of the multiunit package must be labeled with:
 - a. the number of individual units
 - b. the quantity of each individual unit
 - c. the total quantity of the entire package

Example: 10 ICE CREAM SANDWICHES
EACH 4 FL OZ (118 ml), TOTAL 1.25 QUART (1.18 L)

* NOTE: If the number of individual units and the labeling of each individual unit can be seen through the multiunit package, the multiunit package does not have to state the number and net quantity of the individual units.

2. When the individual packages are not labeled for sale as individual packages (or are unlabeled) **and** are not intended for individual sale, the multiunit package is only required to be labeled with the total quantity. Other information such as the number and quantity of individual units may be included, but is not required.

Example: ICE CREAM SANDWICHES, 1.25 QUART (1.18 L)

TEST PROCEDURE: Displacement (Titled "Ice Cream Novelties"), Handbook 133, page 41, 3.12 or Net Weight, Handbook 133, page 10 for pelletized ice cream such as "Dippin' Dots", etc"

POTPOURRI

Potpourri sold from bulk, may be sold by net weight or by dry measure.

With the following exception, prepackaged potpourri must be labeled with the net weight.

If prepackaged in non-refillable decorative containers (e.g., decorative sachets, potpourri-stuffed animals, hearts, etc.), no declaration of weight or volume is required.

TEST PROCEDURES: Dry Measure
Net Weight

POULTRY, SALES PRACTICES

Poultry includes all fowl: chicken, turkey, goose, duck, squab, quail, game hen, etc.

1. With the exception of unpackaged ready-to-eat poultry, all poultry must be sold and advertised by net weight, and the sales price must be a true extension of the price per pound.
2. Poultry may be sold as a random weight lot (each package having a different net weight) or as a standard lot (all packages labeled with the same net weight) as appropriate.
3. To be eligible for the exemptions for random weight packages (see page 14-9), poultry, just as any other random pack commodity, must have the net weight, price per pound, and total sales price on the package.

All required information must be on the same label. CCR 4510 § 2.5 defines a label as affixed to, applied to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a package. If there is more than one label, all required information must appear on each label. (CCR 4510 § 2.7, § 3.1 and § 6.3)

4. When using a random weight label for poultry sold at varying prices according to other “special” conditions, the package is to be labeled with the highest price per pound, and the labeled sales price computed from that price.

PRODUCE IN CONTAINERS

Individual “open” containers of one quart or less of produce, or cellophane wrappers containing fresh fruit or fresh vegetables are exempt from the requirement for a declaration of identity. Except for berries in standard containers (page 15-3), **they are still required to have declarations of responsibility and quantity.**

The quantity statement must be in terms of net weight with the following exceptions:

1. If there is a size standard so that there is no variation in weight for individual items, count alone is acceptable.*
2. If the item is normally sold according to “the bunch”, count alone is acceptable.*

An open container is defined by the Federal Food and Drug Administration as a container of rigid or semi-rigid construction not closed by a lid, wrapper, or any other material except an uncolored transparent wrapper that does not obscure the contents.

* If the package contains six or less and the items are fully visible, the package does not need a statement of count. (CCR 4510 § 11.27)

RAWHIDE PET PRODUCTS

On December 10, 1985, Los Angeles County Officials, DMS representatives, and pet supply industry representatives met and agreed to the following guidelines.

Rawhide bones and similar items made from continuous sheets of hide rolled or formed into bone shapes or sticks, shall be labeled with length **and** count. The count statement may be omitted if there are six or less units in a package and the units are clearly visible through the packaging materials.

Rawhide chew sticks, which are generally much more uniform in size and manufactured from reconstituted particles of hide, shall be labeled with the net weight and count. The count statement may be omitted if there are six or less units in the package and all units are clearly visible to the customer through the packaging material.

Rawhide chips and pieces shall be sold by net weight.

CCR 4510 § 6.4, § 6.4.1 and § 11.27.

(DMS Memorandum dated January 2, 1986, Resolution of Labeling Violations for Rawhide Pet Products)

SEEDS INTENDED FOR PLANTING

PACKAGED IN ADVANCE OF SALE

Small packages (weighing less than 225 grams or 8 ounces) must be labeled according to the Fair Packaging and Labeling Act requirements with these exceptions:

1. The quantity statement is to be in the upper 30% of the principal display panel.
2. The terms of the quantity statement are as follows:
 - a. **Count** for seed tapes, preplanters and for coated, encapsulated, and pelletized seed.
 - b. The largest whole SI (metric) unit for other types of seeds in packages weighing up to 7 grams.
 - c. Both grams and ounces for other types of seeds in packages with weights from 7 grams up to but not including 225 grams or 8 ounces.

Larger packages are also labeled according to the Fair Packaging and Labeling Act requirements. The method of stating the quantity is based on trade practice. Generally, this is weight for common seeds and count for coated, encapsulated, pelletized, or hybrid seeds.

TEST PROCEDURES: Net Weight, Handbook 133, page 10
Packages Labeled by Count of 51 or more, Handbook 133, page 54, 4.3
Packages Labeled by Count of 50 or less, Handbook 133, page 54, 4.2

SHOE POLISH AND WAX

Liquid shoe polish or wax is labeled in terms of liquid measure.

Paste or cream polish or wax is labeled by net weight.

(CCR 4510 § 6.4)

TEST PROCEDURES: Net Weight, Handbook 133, page 10
Direct Measure, Handbook 133, page 28, 3.3
Gravimetric, Handbook 133, page 24
Depth Gauge (Titled "Other"), Handbook 133, page 28, 3.4
Headspace (Titled "Mayonnaise"), Handbook 133, page 29, 3.5

TEXTILES-ORNAMENTATION
DIMENSIONS OF IRREGULAR SHAPES

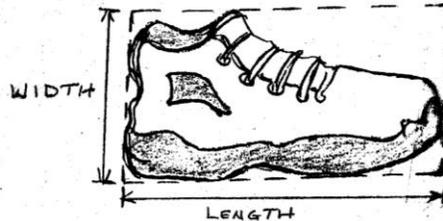
A. Ornamentation

The width or length of ornamentation such as fringe, scallops, decorative hems, bindings, etc., is included in the required length and width quantity declarations. The ornamentation is part of the usable length and width of the item. (The consumer does not want to purchase a bedspread only to find the fringe drags on the floor.)

For value comparison, a separate declaration stating the width or length of ornamentation is permitted (but not required) in conjunction with the required quantity statement.

B. Irregular Shapes

The length and width dimensions for irregularly shaped textiles (usually novelty or whimsically shaped mats and rugs) are the dimensions of a rectangle that would tightly enclose the item.



TEST PROCEDURES: Textiles, page 16-42
Bidimensional Irregular Commodities
Weight, page 16-13
Template, page 16-4

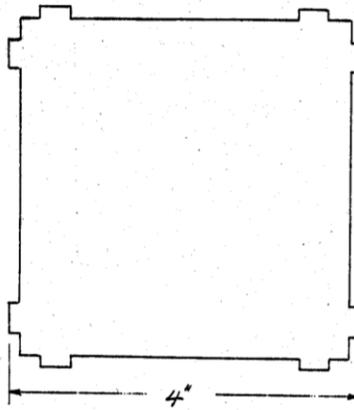
TILE, CERAMIC

Containers of tile must state the count, width, length (if different from width), and the thickness.

The quantity statement must also state the total area covered with the minimum possible spacing or with a stated grout width.

“Nominal tile sizes” (trade designation or whole number rounding of metric sizes) may be included on the carton as a shape or size identification so long as this does not mislead or confuse a buyer. Prevention of such confusion will normally require a size statement in addition to the “nominal” designation and total coverage. The product must meet all quantity statements (thickness, length, width and area).

Tile With Spacing Lugs

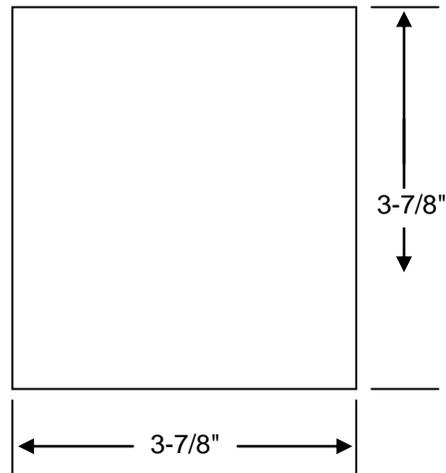


Nominal Size - 4 inches by 4 inches (includes lugs)

Actual Size - 4 inches by 4 inches

Total coverage need not specify grout width if it is no wider than that determined by the lugs.

Square or Rectangular Tile

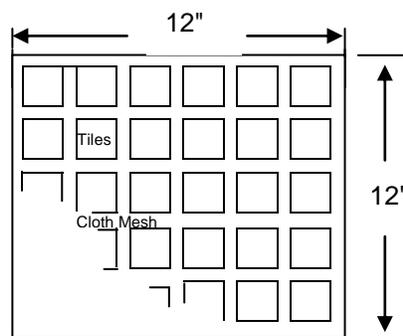


Nominal Size - 4 inches by 4 inches

Actual Size - 3-7/8 inches by 3-7/8 inches

Total coverage must specify any grout widths necessary or must state the area without spacing.

Tiles Attached to Cloth Mesh



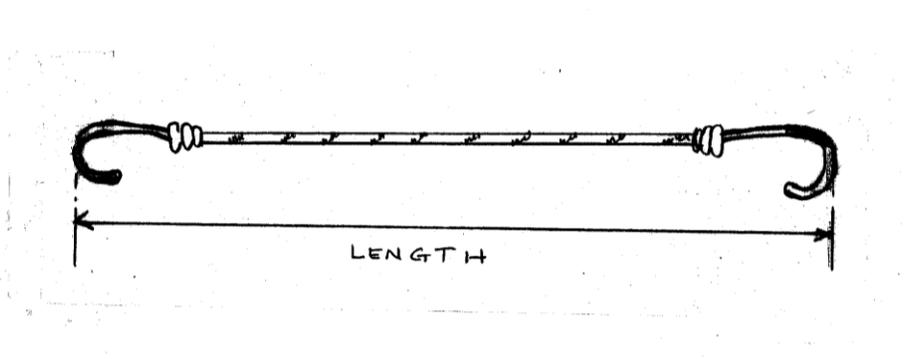
Total coverage includes a grout spacing along the outer edge. In this case, the grout space is defined by the tile spacing on the mesh and need not be additionally specified.

TEST PROCEDURE: Direct Measure

TIE CORDS, ELASTIC (BUNGEE™) CORDS

Length is measured by laying out the cord in a straight line without tension. Length includes the hooks or fasteners on the ends.

Packages must be labeled with the length and count. (Count may be omitted if the package contains six or less and the individual cords are fully visible.)



TORTILLAS

The quantity statement for tortillas shall be stated with Net Weight **and** Count.

Neither Weight nor Count alone is fully informative and is not an acceptable quantity statement.

(CCR 4510 § 6.4 and 6.4.1)

TEST PROCEDURES: Net Weight, Handbook 133, page 14
Packages Labeled by Count of 51 or more, Handbook 133, page 54, 4.3
Packages Labeled by Count of 50 or less, Handbook 133, page 54, 4.2

WHOLESALE (NONCONSUMER) LABEL REQUIREMENTS

A nonconsumer (or wholesale) package must have the identity, responsibility, and quantity declarations on the outside of the package. (CCR 4510 § 4, § 5 and § 7)

Either the SI (metric) or the inch-pound system, or both, may be used for the quantity declaration. (Federal law may restrict the use of only the SI system for some commodities.) (CCR 4510 § 7.1)

Unless the nonconsumer package is for sale to retail consumers, it does not have to conform to consumer package requirements for the location, free area, parallel placement, letter size, and proportion of the net quantity statement.

All required package information shall be “definitely and clearly stated thereon in the English language.” (CCR 4510 § 9.1)

WHOLESALE PACKAGES SOLD AT RETAIL

If a nonconsumer or wholesale package is for sale at a retail outlet for consumption or use by individuals, it is considered to be a consumer package and must meet all consumer package labeling requirements. (CCR 4510 § 2.2)

WIPING CLOTHS, RAGS

When sold by count, the label shall state the number of units and the width and length of each unit.

When sold by weight, the labeled weight shall be the net weight regardless of any industry or trade practice.

(B&P Code § 12023 and 12603; CCR4510 § 6.4.1 and § 7.3)

WOOD, HARDWOOD

At **retail**, hardwood lumber may be sold according to nominal dimensions provided that either the table of “Minimum Surfaced Sizes for Kiln Dried Hardwood Lumber” or the actual dimensions are prominently displayed. The term “Nominal” or “Nom” is used in conjunction with any representation of a nominal dimension.

The use of nominal dimensions does not apply to flooring, molding, or preformed products.

MINIMUM SURFACED SIZES FOR COMMON STOCK WIDTHS OF KILN DRIED HARDWOOD LUMBER		
SI UNITS FOR THICKNESS AND WIDTH	THICKNESS AND WIDTH IN INCHES	
MINIMUM SIZES IN MILLIMETERS	NOMINAL SIZES	MINIMUM SIZES IN INCHES
38 x 89	2 x 4	1-1/2 x 3-1/2
38 x 140	2 x 6	1-1/2 x 5-1/2
38 x 184	2 x 8	1-1/2 x 7-1/4
38 x 235	2 x 10	1-1/2 x 9-1/4
38 x 286	2 x 12	1-1/2 x 11-1/4
19 x 19	1 x 1	3/4 x 3/4
19 x 38	1 x 2	3/4 x 1-1/2
19 x 63	1 x 3	3/4 x 2-1/2
19 x 89	1 x 4	3/4 x 3-1/2
19 x 140	1 x 6	3/4 x 5-1/2
19 x 184	1 x 8	3/4 x 7-1/4
19 x 235	1 x 10	3/4 x 9-1/4
19 x 286	1 x 12	3/4 x 11-1/4

Additional stock sizes are 1-1/4 inch (1 in surfaced) and 1-1/2 in (3/16 surfaced).

Quantity representations are to be one of the following:

- a. Linear measure when surfaced width and thickness are stated.
- b. Count when length, surfaced width, and thickness are stated.
- c. Surface measure (square feet) when thickness is stated.

(National Institute of Standards and Technology Handbook 130)

Wholesale hardwood is generally sold by net board footage.

A board foot is one foot long, one foot wide, and one inch thick or its equivalent.

See Hardwood Test Procedure, page 16-34, to calculate board feet.

WOOD, SOFTWOOD

Softwood lumber is sold according to nominal or designated sizes representing a standard width and thickness. The nominal size is greater than the actual width and thickness.

The actual thickness, for **dressed softwood boards, dimension lumber, and timbers** must equal or exceed the minimum size for the nominal size as stated in the table on the following page.

If the actual dimension of the lumber does not meet the minimum size, it cannot be sold according to nominal dimensions. It must be advertised, invoiced, and sold using only the actual dimension. (DMS Notice, QC-96-1)

The actual thickness for **rough softwood boards, dimension lumber, and timbers** must be 1/8 inch or greater than the corresponding minimum dressed thickness listed in the table.

EXAMPLE: A lot of 8-foot long rough, dry cedar lumber is advertised 4" x 6" x 8'.

Using the current Sampling and Testing Plan, the length of the pieces of lumber must average 8 feet with no more than the number allowed exceeding the Maximum Allowable Variation. **Nominal dimensions are not used for the length.**

Using the table, the minimum thickness for dressed, dry 4-inch dimension lumber is 3-1/2 inch, and for 6 inch is 5-1/2 inch. Since the lumber is rough, 1/8 is added to these minimums. The measurements used for testing for compliance are 3-5/8 x 5-5/8.

DEFINITIONS:

Dry Lumber - Having maximum moisture content of 19% or less.

Green lumber - Having a moisture content greater than 19%.

Dressed Lumber - Has been surfaced to attain smoothness on one or more sides or edge.

Rough Lumber - Has not been dressed (surfaced) but has been sawed, edged and trimmed to the extent of showing saw or manufacturing marks.

Boards - Less than nominal 2-inch thick and of nominal 2-inch or greater in width.

Dimension - From nominal 2-inch thick up to but not including nominal 5-inch thick wood with nominal 2-inch or greater width.

Timbers - Nominal 5-inch or greater in the smallest dimension.

(NIST Handbook 130 and VPS 20-05)

TEST PROCEDURE: Lumber, Softwood Page 16-35

NOMINAL AND MINIMUM-DRESSED SIZES OF SOFTWOOD BOARDS, DIMENSION, AND TIMBERS										
ITEM	THICKNESS					FACE WIDTHS				
	NOMINAL INCH	MINIMUM DRESSED				NOMINAL INCH	MINIMUM DRESSED			
		DRY		GREEN			DRY		GREEN	
		INCH	mm	INCH	mm		INCH	mm	INCH	mm
Boards						2	1-1/2	38	1-9/16	40
						3	2-1/2	64	2-9/16	65
						4	3-1/2	89	3-9/16	90
						5	4-1/2	114	4-5/8	117
	1	3/4	19	25/32	2	6	5-1/2	140	5-5/8	143
	1-1/4	1	25	1-1/32	26	7	6-1/2	165	6-5/8	168
	1-1/2	1-1/4	32	1-9/32	33	8	7-1/4	184	7-1/2	190
						9	8-1/4	210	8-1/2	216
						10	9-1/4	235	9-1/2	241
						11	10-1/4	260	10-1/2	267
						12	11-1/4	286	11-1/2	292
						14	13-1/4	337	13-1/2	343
					16	15-1/4	387	15-1/2	394	
Dimension						2	1	38	1-9/16	40
						3	2-1/2	64	2-9/16	65
	2	1-1/2	38	1-9/16	40	4	3-1/2	89	3-9/16	90
	2-1/2	2	51	2-1/16	52	5	4-1/2	114	4-5/8	117
	3	2-1/2	64	2-9/16	65	6	5-1/2	140	5-5/8	143
	3-1/2	3	76	3-1/16	78	8	7-1/4	184	7-1/2	190
	4	3-1/2	89	3-9/16	90	10	9-1/4	235	9-1/2	241
	4-1/2	4	102	4-1/16	103	12	11-1/4	286	11-1/2	292
						14	13-1/4	337	13-1/2	343
						16	15-1/4	387	15-1/2	394
Timbers	5 & THICKER	1/2 OFF	13 OFF	1/2 OFF	13 OFF	5 & WIDER	1/2 OFF	13 OFF	1/2 OFF	13 OFF

- See NIST, Voluntary Product Standard PS 20-05, American Softwood Lumber Standard for nominal and minimum sizes of finish, flooring, ceiling, partition, stepping, siding, shiplap, centermatch, dressed and matched, and worked lumber (factory flooring, heavy roofing, decking, and sheet piling).